

REVISED
GMFMC Law Enforcement Technical Committee/ GSMFC Law Enforcement Committee
Joint Meeting Summary
South Padre Island, Texas
October 17, 2018

The meeting was called to order at 8:30 a.m. with election of Joint Committee Chair and Vice-Chair. **Carron** was unanimously elected Chair on nomination by **Hebert**, seconded by **Pearce**. **Downey** was unanimously elected Vice-Chair on nomination by **Hebert**, seconded by **Pearce**. The agenda was adopted unanimously on motion by **Pearce** and second by **Barker**. The summary of the March 13, 2018 LETC/LEC meeting was approved as written on motion by **Pearce** second by **Hebert**. Introductions were made and **VanderKooy** welcomed **Lasseter** on board from the Council.

GMFMC LETC Session

State Management Amendments

Staff addressed LETC members' questions from the March 2018 meeting, one of which was whether state management regulations would be enforced on the water or upon landing. Staff explained that state management programs would primarily rely on dockside enforcement of red snapper regulations. LETC members expressed some concern about the need to reorganize their use of enforcement funds and crafted the following consensus statement.

The dockside enforcement component for red snapper is in direct conflict with the JEA contract's requirement that for federal purposes red snapper must be enforced within the EEZ. This is due in part to the appropriations bill that specified federal dollars could not be used for reef fish enforcement within 9 nm; thus, it is not possible to simply change the JEA contract. If enforcement is able to enforce red snapper within state waters using JEA funds, this issue would be resolved. **Fenyk** informed the LETC that use of JEA funds would not run afoul of the appropriations act if have federal nexus and people acknowledge that they caught the fish in federal waters. However, FWC has been directed not to claim JEA boardings for enforcing red snapper within state waters.

LETC members will request that their state directors communicate with the appropriations staff regarding this priority.

Commercial IFQ Program Modifications: Advance Landing Notification Issue

Lasseter reviewed the actions in Amendment 36B and the LETC did not feel Actions 1-3 raised enforcement concerns. The LETC discussed the action for requiring a degree of accuracy for advance landing notifications and provided the following consensus statement:

The LETC recommends to the Council in Action 4 for advance landing notifications, that notifications be accurate to within 20% of actual landed weight for vessels landing over 500 lbs

(in any share category). The LETC feels that fishermen can be accurate to within 10% of 100 lbs, and wouldn't accept any less accuracy from the dealer to whom they are selling. Going with a 20% accuracy requirement allows some leeway for errors in reporting while allowing for more accountability.

Although the requirement to include a weight estimate during advance landing notifications of IFQ species was not intended to expose fishermen to violations based on the accuracy of their estimation, the lack of necessity for accurate weights on the advanced landing notification has been exploited by some fishermen to under report actual catch weights.

Requiring more accurate estimates of weights on the advance landing notification would benefit management of the fishery, as the LETC has seen abuse in the system and wants to minimize the level of under reporting. This would provide a management tool to close a gap that allows for fraud in the management of the resource. While the majority provide accurate estimates, there are no repercussions for the minority that don't; those who don't are able to avoid having the allocation deducted from their account which could then be used again, may sell the fish on the black market, and avoid paying the lease fee and cost recovery. This creates instability in the market from unaccounted fish being sold illegally. The LETC believes that this proposed regulation and potential for penalty would increase self-compliance within the industry.

In the case of red snapper, this would benefit management of the species as any unreported catch could cause you to exceed the total allowable catch, slowing the recovery of the stock.

As an example, in one state, there have been consistent occurrences of a fisherman who is also the dealer reporting 500 lbs in both the advance notification and notification of landing (dealer report). However, when this same fisherman/dealer is inspected during offloading, the actual landed weight is routinely 1,500 lbs. Had the officer not been present for offloading, 1,000 lbs could go straight to a restaurant or unpermitted dealer, bypassing reporting measures and avoiding the allocation being deducted from the IFQ system.

Coral 9 HAPCs Update on Final Action

Lasseter reviewed a summary of the Council's final preferred alternatives on Coral Amendment 9, which will establish several new HAPCs. In addition, the LETC is aware of the likely expansion of the Flower Garden Banks National Marine Sanctuary. Although the new HAPCs and Sanctuary are located far offshore, LETC members noted the additional burden on enforcement from establishing new protected areas with gear or fishing restrictions.

New "Fish Rules" App

The LETC spoke well of the new Council app, "Fish Rules", which contains both state and federal regulations. Several members reported they already use it. Due to the availability of electronic regulations, the LETC does not see the need for the Commission to continue printing copies of the regulatory pocket guide and made the following recommendation (see motion below).

GMFMC Enforcement Team of the Year Award

Lasseter requested that LETC members begin considering criteria for a potential Enforcement Team of the Year Award. Due to changes in the staff and membership on the LETC, there is a need to continue discussing the specifics for the guidelines before it is brought to the Council. During the meeting, it was thought this had already been accomplished where in fact, the group had previously suggested further discussion.

Joint LEC/LETC Items

2019-2020 Operations Plan

VanderKooy addressed the 2019-2020 Gulf of Mexico Cooperative Law Enforcement Operations Plan. **Lasseter** had recommendations re: Objective 1.3 better cooperation and input by Council and LEC. She proposes to provide a link by email to the committee one week prior to Council meetings. She encouraged everyone to respond with questions or input. She will also email the committee following Council meetings providing updates as to what occurred at the meeting. It was the consensus of the group that this would be greatly appreciated.

VanderKooy asked for any other comments and approval of this plan for the next two years. On motion by **Hebert** and second by **Pearce**, the Ops Plan was unanimously approved.

Diaz made comments regarding the use of Civil Air Patrol in Mississippi and suggested that Law Enforcement may want to consider looking into this.

On motion by **Pearce**, second by **Barker**, the LEC recommended that the GSMFC discontinue printing and distributing the Commission's pocket guide which was useful in the past but with the existing technology is probably outdated now. Officers generally have internet access and are able to utilize much more current information through their smart devices. The motion passed unanimously.

Overview of Current IUU Fishing Issues

Casterline (TPWD) and **Zanowicz** (USCG) provided an overview and update on the IUU fishing issues in Texas and along the US Mexico border specifically. This presentation was made at the last Gulf Council meeting but **Casterline** had some additional cases and information to provide. They will continue to monitor these foreign incursions and likely present to the Commission in the future.

GSMFC LEC Session

Future of JEA and JEA Funding Discussion

Carron referred back to the meeting in March when there was discussion as to whether this funding is going to continue. It was the consensus of the group that nothing had changed since that time.

Fish Attracting Devices (FADs); Misuse and Management

Each state discussed to what degree FADs are a problem. Texas does not see much in the way of FADs while **Pearce** concurred that it is not a widespread problem to his knowledge in Florida. **Carron** and **Hebert** stated that MS and LA see most FAD activity in relation to Tripletail pursuit. **VanderKooy** stated that the biologists working on management plans state that these are found on a routine basis and that Cobia fishermen have related stories for years about the use of FADs. Cobia tournaments banned FADs use in their tournament rules. **VanderKooy** pointed out that it might be worth looking at from the enforcement side. The first step may be to educate people. **VanderKooy** encouraged everyone to check with their biologists and samplers to find out their impression of what is happening.

IJF Program Activity

Cobia Profile

On behalf of the Cobia Technical Task Force, **Carron** reported that this document is nearing completion. He encouraged everyone who still has contributions to forward their remaining information in to him or **VanderKooy** ASAP.

New Species

VanderKooy provided the group with a list of how the Law Enforcement rotation works on task forces. Florida will be the next LE rep for the next species. **VanderKooy** will inform everyone of the new species when it is decided.

Annual License and Fees

For the benefit of several new committee members, **McIntyre** explained how she gathers the information from them for the Annual License and Fees and Law Summary (Red Book). She encouraged any member who needs examples or assistance with these requests to contact her for further explanation.

State Reports Highlights

Written state reports were submitted prior to the meeting. *On motion by Carron, seconded by Hebert, the written state reports were accepted as written.*

Other Business

Hebert offered thanks to the Florida group for their help after the hurricane.

Diaz expressed that as a Council member, he has found this meeting particularly helpful to his view and that this is a valuable tool to the Council process.

Carron recognized **Hebert** and thanked him for his service on this committee for the past several years.

There being no further business, on motion by **Downey**, second by **Pearce**, the meeting adjourned at 4:51p.m.

Members

Chad Hebert, LDWF, Baton Rouge, LA
Patrick Carron, MDMR, Biloxi, MS
Jason Downey, AMRD, Dauphin Island, AL
Scott Pearce, FWC, Tallahassee, FL
Jarret Barker, TPWD, Austin, TX
Cynthia Fenyk, NOAA, St. Petersburg, FL
Joseph Scarpa, NOAA OLE, St. Petersburg, FL
Mark Zanowicz, USCG, New Orleans, LA (LEC only)

Others

Dale Diaz, GMFMC, Biloxi, MS
Andrew Petersen, Bluefin Data, Baton Rouge, LA
Les Casterline, TPWD, Austin, TX
Justin Esslinger, TPWD, Rockport, TX
Christopher Mace, TPWD, Rockport, TX
Darin Topping, TPWD, Rockport, TX
Scott Bannon, AMRD, Dauphin Island, AL

Staff

Ava Lasseter, GMFMC, Tampa, FL
Donna Bellais, GSMFC, Ocean Springs, MS
Steve VanderKooy, GSMFC, Ocean Springs, MS
Debbie McIntyre, GSMFC, Ocean Springs, MS